

**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 14**

**April 21, 2006**

**SUBJECT: FORM 1.28.10 - DEACTIVATED, FORM 1.28.0 AND SPECIAL ORDER NO. 17, 2004 - REVISED**

**EFFECTIVE: IMMEDIATELY**

**PURPOSE:** On November 3, 2005, the Ninth Circuit Court of Appeals issued its decision in Chaker versus Crogan, 428 F.3d 1215 (9<sup>th</sup> Circuit 2005), holding Section 148.6(a)(2) Penal Code (PC) unconstitutional because it criminalizes only citizens knowingly making false statements against officers, and not citizens knowingly making false statements in favor of officers, during a complaint investigation.

**PROCEDURE:**

**I. COMPLAINT ADVISORY.**

Effective immediately, Department personnel shall not advise complainants, either in writing or verbally, that it is a crime to make false complaints against police officers, pursuant to Section 148.6(a)(2)PC.

**II. COMPLAINT ADVISORY FORM, FORM 1.28.10 - DEACTIVATED.**

The Complaint Advisory Form, is deactivated.  
The current Complaint Advisory Form shall be destroyed and placed in the divisional recycling bin.

**III. COMPLAINT FORM, FORM 1.28.0 - REVISED.**

The Complaint Form, Form 1.28.0, is revised by removing the check box used to indicate that the 148.6 (a)(2)PC advisory was given to the complainant.

**A. Use of Form.** The form shall be used to document all complaints, and a Complaint Form (CF) number shall be issued for each form.

**B. Completion.** The form shall be completed by a Department supervisor and approved by a commanding officer or chief investigator before the issuance of a CF number by Internal Affairs Group (IAG).

**C. Distribution.** The Complaint Form is a triplicate form set with a designated distribution as follows:

- 1 - Original, forwarded to the Commanding Officer, IAG, within two working days of complaint initiation (or in the event of a weekend, the following business day)
- 1 - Copy, issued to complainant upon his/her initiation of an in-person complaint.
- 1 - Copy, mailed to complainant (with a CF number) by IAG.

**3 - TOTAL**

**FORMS AVAILABILITY:** The revised Complaint Form, Form 1.28.0, will be available for ordering from the Distribution Center, Department of General Services, in approximately 90 days. A copy of the form is attached for duplication and immediate use. This form may also be downloaded and printed from the Chief's page, under LAPD Reference.

**AMENDMENTS:** This Order amends Department Manual Sections 3/811.05 and 3/816.01, and deletes Department Manual Sections 5/1.28.10 and 3/814, from the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Professional Standards Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON  
Chief of Police

Attachment(s)

DISTRIBUTION "A"